REMARKS

Applicant thanks the Examiner for withdrawing the previous grounds of rejection.

Status of the application

Claims 1-37 are all the claims pending in the application. Claims 1-4, 6-9, 16-20, 22-25, and 32-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski (U.S. Publication 2002/0188959) in view of the Real-Time Streaming Protocol Specification. Claims 5, 10-15, 21, and 26-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski in view of the RTSP Specification and further in view of Blackketter (U.S. Patent 6,415,438).

Claim rejections

Applicant respectfully traverses the rejections of the claims.

Claim 1

Piotrowski discloses a system for creating a virtual web page within a broadcast transmission for supplemental media information such as audio, video, text, etc. (paragraph 24). This supplemental information is sent from a server to a TV or other device using SMIL. The information is synchronized with the video or multimedia program (paragraph 25). The synchronization occurs as synchronization codes are processed by the SMIL server via scripts (paragraph 38). The Examiner looks to the RTSP specification for a PLAY code (section 10.5, page 33), which specifies a time when a given media is to be played.

As an initial matter, the RTSP specification provides features and protocols for RTSP transmissions. The PLAY feature is for beginning an RTSP transmission. The second paragraph of section 10.5 states that "the play request positions the normal play time to the beginning of the

range specified and delivers *stream data* until the end of the range is reached." All of the examples given in this section show that the PLAY request used with RTSP streams: "C->S: PLAY rtsp://".... The play command is a command used within the RTSP protocol to begin RTSP streaming media. One of ordinary skill in the art would use this protocol to schedule a RTSP transmission, not to play an SMIL document within an RTSP transmission, as the Examiner suggests.

Furthermore, even if the RTSP PLAY request method were functional with other protocols, it would not make sense to use this function with SMIL, as an SMIL document can consist of text or images. For this reason, Piotrowski uses a "virtual web page" within a broadcast. There is no teaching or suggestion of using the RTSP PLAY request with an SMIL document, either in Piotrowski or in the RTSP specification.

However, whatever time is used by the system of Piotrowski "acts as triggers to initiate access/display of the supplemental media information" (paragraph 38). Thus the times scheduled are future times, rather than "a current time value of real-time multimedia broadcasting", as recited in claim 1.

Claim 1 recites a "a reference clock generator/transmitter, which generates and transmits a reference clock value, which is a *current time value* of real-time multimedia broadcasting". This is neither an indicator of a past event, as is the case with the time stamp of Matsui (as discussed in the Response filed on April 8, 2008), or with a future time, as is the case with the time trigger in the PLAY request in the RTSP specification, but is a "current time value".

Claim 1 is thus patentable over the cited references at least due to this deficiency.

Claims 2-5 are patentable at least due to their dependencies as well as for their additionally recited elements.

Claim 4

Additionally, claim 4 recites "the predetermined data stream is composed of type information... the type information indicates whether the predetermined data stream is for the reference clock value, the multimedia document, or the media data." As an initial matter, the Examiner interprets the claim language as being met if type information is of any of the given types. However, this interpretation is not consistent with the claim language. Claim 4 recites that the "type information indicates whether the predetermined data stream is for the reference clock value, the multimedia document, or the media data." Claim 3, from which claim 4 depends, recites that "the reference clock generator/transmitter, the multimedia document generator/transmitter, and the media data generator/transmitter transmit the reference clock value, the multimedia document, and the media data, respectively, in the form of a predetermined data stream." The data stream thus contains the output of each of the generator/transmitters recited in claim 1: "the reference clock value, the multimedia document, or the media data". Thus each of these kinds of data are in the data stream of claim 4. The "type information indicates whether the predetermined data stream is for the reference clock value, the multimedia document, or the media data." The type information would indicate each one of these types at the respective appropriate time. The Examiner's allegation that type information for one of these types is disclosed is not consistent with the language of claim 4 and the claims from which it depends.

However, the Examiner also alleges that all of the data types are to be found in the RTSP specification. The Examiner points to sections 10.2, 12.16, 12.18, 12.19, 12.29, 12.33, C.1.1, C.1.2, and C.1.3. However, nowhere in these sections is there disclosed type information that indicates that the data is for a reference clock value. This is not taught or suggested by the references. Each of these sections specifies information or responses that can be included in RTSP, but none of these teach or suggest the inclusion of data as a reference clock value. For Example, under the section C.1.3 ("payload type"), specifications are given on how to "specify what the *media* is" in the "m=" field (see the discussion of encoding and codecs). There is no teaching or suggestion in Piotrowski in view of the RTSP specification of type information that "indicates whether the predetermined data stream is for the reference clock value," as recited in claim 4. This is to be expected, because a reference clock value is not a type for a data stream in RTSP. While there can be time information in headers, such as for PLAY requests, streaming media are the payload types in RTSP.

Furthermore, whether or not such data is part of the RTSP specification is unrelated to the Examiner's combination of Piotrowski and the RTSP Specification. In the first paragraph of page 4 of the Office Action, the Examiner states that

> it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Piotrowski's transmitter to schedule each multimedia document using the time information in the Play message in RTSP as the reference clock value, as taught by the RTSP specification, for the purpose of allowing the user to have more program-related additional information available while

viewing a scheduled broadcast television program using the well-known and established RTSP streaming media standard.

In other words, the Examiner asserts that it would be obvious to integrate the system for supplying supplemental media information of Piotrowski (which is supplied in a "virtual web page" (abstract; para. 31) with an RTSP transmission of a television program. The Examiner here only alleges that the time information from the RTSP program would be used as a clock reference value in the system of Piotrowski, which uses an "Internet document" such as SMIL (abstract), and does not teach or suggest using RTSP as the protocol for transmission of the supplemental media information. Thus, assuming *arguendo* that the Examiner's argued combination of the references were obvious, it would still not include use of RTSP protocol in the system of Piotrowski, and thus the cited sections of the RTSP are inapplicable to the rejection.

If on the other hand, the Examiner is alleging some combination of the references other than the combination alleged for claim 1, then that other combination has not been stated, and no "articulated reasoning" has been presented to justify such a combination (MPEP § 2142).

The system of Piotrowski presents a system that performs its intended functions using standard SMIL structures and protocols. There does not appear to be any benefit to be gained by sending the information of Piotrowski through RTSP or through some hybrid of RTSP and SMIL (as the Examiner does not make clear how he intends to combine the references with regard to claim 4, it is not clear why the RTSP protocol is to be followed in this case). One of ordinary skill in the art would not have been led to change the system of Piotrowski to use the specifications of RTSP in a system that sends information through SMIL. This would add

unnecessary complexity and would appear to render the system of Piotrowski "inoperable for its intended purpose" (MPEP § 2143.01).

Claim 4 should thus be patentable over the cited references. Claims 9, 20 and 25 have similar recitations and thus should be patentable for similar reasons.

Claim 6

Claim 6 recites, *inter alia*, "a reference clock receiver, which receives a reference clock value, which is a current time value of real-time multimedia broadcasting." Accordingly, claim 6 is patentable for analogous reasons as noted above with respect to claim 1.

Claims 7-15 are patentable at least due to their dependencies as well as for their additionally recited elements.

Claim 16

Claim 16 recites, *inter alia*, "an apparatus for transmitting multimedia broadcasting, which generates and transmits a reference clock value, which is a current time value of real-time multimedia broadcasting." Accordingly, claim 16 is also patentable for analogous reasons as noted above with respect to claim 1.

Claim 17

Claim 17 recites, *inter alia*, "generating and transmitting a reference clock value, which is a current time value of real-time multimedia broadcasting." Accordingly, claim 17 is also patentable for analogous reasons as noted above with respect to claim 1.

Claims 18-21 are patentable at least due to their dependencies as well as for their additionally recited elements.

Claim 22

Claim 22 recites, *inter alia*, "receiving a reference clock value, which is a current time value of real-time multimedia broadcasting." Accordingly, claim 22 is also patentable for analogous reasons as noted above with respect to claim 1.

Claims 23-31 are patentable at least due to their dependencies as well as for their additionally recited elements.

Claim 32

Claim 32 recites, *inter alia*, "generating and transmitting a reference clock value, which is a current time value of real-time multimedia broadcasting." Accordingly, claim 32 is also patentable for analogous reasons as noted above with respect to claim 1.

Claim 33

Claim 33 recites, *inter alia*, "type information, which indicates whether substantial data is a reference clock value, which is a current time value of real-time multimedia broadcasting." Accordingly, claim 33 is also patentable for analogous reasons as noted above with respect to claim 1.

Claims 34-35 are patentable at least due to their dependencies as well as for their additionally recited elements.

New Claims

Applicant here adds claims 36-37 to further claim the invention as disclosed in exemplary embodiments of the present invention. These claims are patentable at least due to their

dependencies, and additionally because the recited subject matter is not taught or suggested by the cited references.

Amendments to the Specification

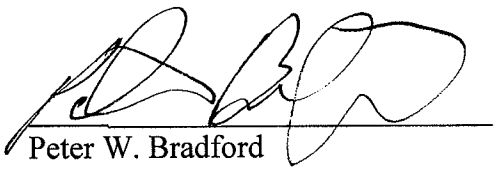
Applicant here corrects a typographical error in the specification.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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